

and I will remain optimistic, but I want the Ukraine Government to know that we are going to hold them to the standards of democracy. They cannot imprison political opponents. You beat them in an election, move on to lead, and you are held accountable by the people who vote.

I hope a decision will be made in the near future to release Ms. Tymoshenko.

Mr. DURBIN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask to speak as if in morning business for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. GRASSLEY. Mr. President, when I closed last night I posed nine questions to Secretary Napolitano about the immigration bill. She said that when confirmed, she would answer questions that Congress put before her. My questions came at the end of her hearing on the immigration bill, and we have not received an answer now in 49 or 50 days. I would appreciate answers to those questions.

I would like to speak about the entry-exit system in the legislation before us. One of the concerns that has been made about the immigration bill before us is that it weakens current law in several areas. Now, when I go to my town meetings, I invariably get somebody who says: We don't need more legislation; just enforce the laws that are on the books. Those very same constituents of mine would probably be really chagrined at the fact that we have legislation before us that would weaken current law.

Well, we had a lengthy discussion during the Judiciary Committee markup about provisions dealing with criminal activity and deterring illegal immigration in the future. I have found that many existing statutes in this legislation—1,175 pages—have been revised and watered down, which sends exactly the wrong signal that should be sent to the people who seek to intentionally break our laws.

The sponsors of the bill have claimed that the bill will make us safer. They insist that the people will “come out of the shadows,” thus allowing us to know exactly who is here, where they are, and whether they are a national security risk.

We have talked a lot about the need for border security in the last week. I think it is the most important thing we can do for our national security and to protect our sovereignty. Border se-

curity is what the people demand. This legislation has weak border security provisions.

Amazingly, when I bring up border security, I am told by proponents of the bill that we don't need to put our entire focus on the border. Well, tell that to the people of grassroots America. These authors remind me that about 40 percent of the people here illegally are visa overstays or people who never returned to their home country. I don't dispute that 40-percent figure. I couldn't agree more that visa overstays need to be dealt with as much as people who are here undocumented and did not come here on a visa. We need to know who is in our country and when they are supposed to depart, and then we need to know if they actually leave.

We realized this way back in 1996 when we created the entry-exit system. At that time, Congress—and still today—under the law, called for a tracking system to be created, and this followed the first bombing of the World Trade Center. We knew there were gaping holes in our visa system, and that is why the entry-exit system was set up. Unfortunately—and the people of this country probably don't believe this—we had legislation calling for this system to be in place and it still is not in place. Administration after administration—and that is Democratic, Republican, and now Democratic—dismissed the need to implement an effective entry-exit system, thumbing their noses at the laws on the books. So here we are today—17 years later—wondering when that system and mandate from Congress will be achieved.

When introduced, the bill before us did nothing to track people who left by land. It did nothing to capture biometrics of foreign nationals who departed. We approved an amendment in committee that made the underlying bill a little bit stronger, but it fell short of current law. Current law says we should track all people who come and go by using biometrics. It says the entry-exit system should be in place at all air, sea, and land ports. We already know that anything less than what is in current law will not be effective.

The Government Accountability Office has stated that a biographic exit system, such as the one set forth in the underlying legislation, will only hinder efforts to reliably identify overstays and that without a biometrics exit system, “DHS cannot ensure the integrity of the immigration system by identifying and removing those who have overstayed their original period of admission—a stated goal of US-VISIT.” If we don't properly track departures, we won't know how many people are overstaying their visas and we won't have any clue of who is in our country.

Some will say: We can't afford it. Some will say: Our airports aren't devised in such a way to capture biometrics before people board airplanes. They will find any excuse not to implement current law, and that is why this

current law hasn't been executed in the last 17 years.

This is a border security and national security issue. Without this system in place, we are not in control of our immigration system.

Senator VITTER's amendment, which is pending, would ensure the current law is met before we legalize millions of people. I encourage my colleagues to understand how this bill weakens our ability to protect the homeland. I also encourage the adoption of the Vitter amendment when we vote at 3 o'clock.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 744, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 744) to provide for comprehensive immigration reform and for other purposes.

Pending:

Leahy/Hatch amendment No. 1183, to encourage and facilitate international participation in the performing arts.

Thune amendment No. 1197, to require the completion of the 350 miles of reinforced, double-layered fencing described in section 102(b)(1)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 before registered provisional immigrant status may be granted and to require the completion of 700 miles of such fencing before the status of registered provisional immigrants may be adjusted to permanent resident status.

Landrieu amendment No. 1222, to apply the amendments made by the Child Citizenship Act of 2000 retroactively to all individuals adopted by a citizen of the United States in an international adoption and to repeal the pre-adoption parental visitation requirement for automatic citizenship and to amend section 320 of the Immigration and Nationality Act relating to automatic citizenship for children born outside of the United States who have a United States citizen parent.

Tester amendment No. 1198, to modify the Border Oversight Task Force to include tribal government officials.

Vitter amendment No. 1228, to prohibit the temporary grant of legal status to, or adjustment to citizenship status of, any individual who is unlawfully present in the United States until the Secretary of Homeland Security certifies that the US-VISIT System (a biometric border check-in and check-out system first required by Congress in 1996) has been fully implemented at every land, sea, and air port of entry and Congress passes a joint resolution, under fast track procedures, stating that such integrated entry and exit data system has been sufficiently implemented.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am encouraged that later today the Senate will vote on four amendments to the